

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

LAKE TEXOMA HIGHPORT, LLC

V.

CERTAIN UNDERWRITERS AT  
LLOYD'S OF LONDON, et. al.

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CASE NO. 4:08-CV-285  
Judge Schneider/Judge Mazzant

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On March 4, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Bowood Partners, Ltd.'s Motion to Dismiss Plaintiff's Claims be granted in part and denied in part.

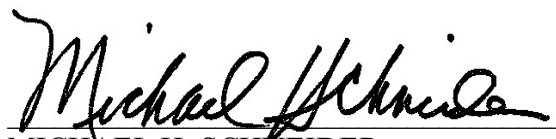
The Court, having made a *de novo* review of the objections raised by Bowood Partners, Ltd., is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Bowood Partners, Ltd.'s Motion to Dismiss Plaintiff's Claims (Dkt. #108) is **GRANTED** in part and **DENIED** in part.

The following causes of action are dismissed: (1) Fraud; (2) Breach of an Implied Warranty; and (3) Insurance Code Section 541.060(a)(2)-(5).

**IT IS SO ORDERED.**

**SIGNED this 5th day of April, 2010.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE